

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2005-210-E - ORDER NO. 2005-691  
DECEMBER 8, 2005

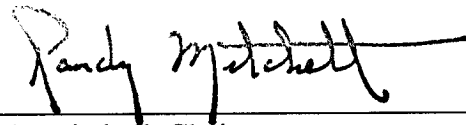
IN RE:   Application of Duke Energy Corporation for        ) ORDER  
          Authorization to Enter into A Business            ) GRANTING  
          Combination Transaction with Cinergy            ) CLARIFICATION  
          Corporation    )

        This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion for Clarification or Supplemental Order filed by Duke Energy Corporation (Duke). Whereas, the Commission approved the business combination between Duke and Cinergy Corporation, certain questions have since arisen about changes, ministerial, name, or otherwise occurring as a result of said business combination. According to Duke these questions include, but are not limited to, Certificates of Environmental Compatibility and Public Convenience and Necessity, signage, tariffs, designations on vehicles, contracts, customers' bills, and customer literature. Duke states a belief that the approval of the original Application implicitly allows, for example, various changes, assignments, amendments, and delegations of duties, consistent with the merger approval. The Office of Regulatory Staff (ORS) has no objection to the Motion. ORS states a belief that Duke is making this request mainly so that it may replace the corporate name on various assets and business documents, among other things, with the appropriate corporate name resulting from the merger with Cinergy Corporation.

We have considered this matter and grant the Motion for Clarification or Supplemental Order. We agree with and hold that this Commission's original merger approval implicitly allows all necessary changes, ministerial, name and otherwise, resulting from the merger approval. However, we hold that this is true only if and when the merger between Duke and Cinergy Corporation is consummated. We do not believe that such changes should occur prior to consummation of the merger. Changes prior to the consummation could create confusion among the two companies' customers.

This Order shall remain in full force and effect until further Order of the Commission.

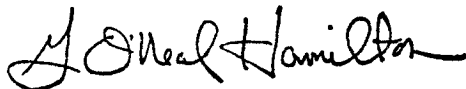
BY ORDER OF THE COMMISSION:



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Randy Mitchell, Chairman

ATTEST:



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G. O'Neal Hamilton, Vice-Chairman

(SEAL)